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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 THOMAS HORNISH AND  
11 SUZANNE J. HORNISH JOINT  
LIVING TRUST, et al.,

12 Plaintiffs,

13 v.

14 KING COUNTY,

15 Defendant.

CASE NO. C15-284 MJP

ORDER ON MOTION TO STAY  
ENFORCEMENT OF ORDER

16  
17 The above-entitled Court, having received and reviewed:

- 18 1. Plaintiffs' Motion to Stay Enforcement of Order for Summary Judgment Pending  
19 Resolution of Appeal (Dkt. No. 78),  
20 2. King County's Opposition to Plaintiffs' Motion to Stay Enforcement of Order for  
21 Summary Judgment Pending Resolution of Appeal (Dkt. No. 79);  
22 3. Plaintiffs' Reply in Support of Motion to Stay Enforcement of Order for Summary  
23 Judgment Pending Resolution of Appeal (Dkt. No. 81);  
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1 4. Plaintiffs' Supplemental Briefing in Support of Motion to Stay Enforcement of Order  
2 for Summary Judgment Pending Resolution of Appeal (Dkt. No. 83);

3 5. King County's Supplemental Briefing Pursuant to the Court's Order Dated February  
4 20, 2018;

5 all attached declarations and exhibits, and relevant parts of the court record, rules as follows:

6 IT IS ORDERED that the motion is DENIED.

7 "Once a notice of appeal is filed, the district court is divested of jurisdiction over the  
8 matters being appealed." Nat. Res. Def. Council, Inc. v. SW Marine Inc., 242 F.3d 1163, 1166  
9 (9th Cir. 2001). Plaintiffs have attempted to bypass this prohibition by citation to a federal  
10 procedural rule which creates an exception:

11 **(c) Injunction Pending an Appeal.** While an appeal is pending from an interlocutory  
12 order or *final judgment that grants, dissolves, or denies an injunction*, the court may  
suspend, modify restore, or grant an injunction on terms for bond or other terms that  
13 secure the opposing party's rights.

14 FRCP 62(c)(emphasis supplied).

15 But what Plaintiffs cannot bypass is the simple and fatal fact that the judgment for which  
16 they seek a stay did not involve, by any stretch of legal logic, the grant, dissolution or denial of  
17 an injunction. Plaintiffs' attempts to transform a quiet title ruling into injunctive relief are  
18 simply unavailing. This Court is divested of jurisdiction while this matter is on appeal; Plaintiffs  
19 must seek the relief they request elsewhere.

20 The clerk is ordered to provide copies of this order to all counsel.

21 Dated: March 20, 2018.

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23 Marsha J. Pechman  
24 United States District Judge